

REMARKS

Claims 1-27 are pending.

Claims 1-27 are rejected.

Claims 1, 11, 12, 13, 14, 15, 16, 20, and 27 are amended to recite, "enhanced video content programming" instead of "enhanced content programming".

No new matter was entered in view of these amendments.

ARGUMENTS

I. Rejection to Claims 1-27 under 35 U.S.C. 112, second paragraph

The Examiner rejected Claims 1-27 under 35 U.S.C. 112, second paragraph as reciting a term "enhanced content programming" which did not have an antecedent basis. The Examiner properly conducted the Examination of the claims inferring that the term meant to state "enhanced video content programming" and "enhanced video based content programming", which are synonymous terms in the specification.

Applicants have attempt to amend these claims to overcome this rejection and request that such a rejection be removed.

II. Rejection to Claims 1-27 under 35 U.S.C. 103(a)

The Examiner rejected claims 1-27 under 35 U.S.C 103(a) over Wasewski and in view of Brown. The Examiner is incorrect about this rejection for several reasons. The comments below are addressed in view of claim 1, although the comments apply to claims 13 and 16.

Firstly, one of the key attributes of the Applicants' invention concerns itself

with the operation of, "said network operator controls communication between said plurality of users and content providers at to prevent the transmission of content from a content provider if such a content provider is non-authorized".

In the rejection, the Examiner relied on a recitation of Wasilewski (in view of Brown) to anticipate this claimed language. Specifically, the Examiner cites to the CAM 30 of Wasilewski as disclosing that such a device, "acts as a clearinghouse for all SPs110. The CAM 30 authorizes the SPs 110 via the server gateway 61 and then the CAM 30 digitally signs all messages on behalf of the SPs 110, "(Waslweski, col. 22, lines 23-24). The claim language of the present invention however discloses that some content providers are going to be authorized, while others will not. One problem with the disclosures in Wasilweski however is that when one considers using a single CAM 30, "However, in such a system, the STUs 90 are unable to distinguish between the SPs 110," (Wasilewski, col. 22, lines 38-39).

The primary problem with the Examiner's combination of Wasilweski with Brown is duo-fold, in that part of the operation of Brown requires the use of, "user interface unit has a processor and a log application program interface (log API) executing on the processor. The log API determines whether an event is a loggable event, which should be recorded, or a non-loggable event which should not be recorded,(Brown, col. 2, lines 36-39). Giving the Examiner deference on what Brown discloses in the absence of the disclosed elements of Wasilweski, it appears to be critical that a receiving device be aware of what it is receiving (in order for the monitoring system of Brown to work). The disclosed recitation of Wasilweski however admits that it would be difficult for a receiving set top box (STU) to know which content provider is supplying it with content.

Hence, the Examiner's combination would be inoperative and would require additional disclosures and modifications (in view of the Applicants' invention) in order to have one of the ordinary skill in the art modify the CAM system of Wasilweski with the monitoring system of Brown to determine how to, "monitor each of a plurality of user transactions between the receiver and the plurality of content providers, wherein said monitoring step is performed by said network operation" because as disclosed, the Examiner's combination would require the use of a set top box to report back attributes of a transaction, where a set top box running a log API could not distinguish between different content providers.

2. Claim 1 also claims an element of, "identifying particular enhanced content programming based on said user profile, and providing the user with an option to view said identified particular enhanced content programming if said particular enhanced programming is from an authorized content provider." This claimed feature is neither disclosed nor suggested in the cited art of record. Specifically, the Examiner cites to Brown (with Wasilweski) as disclosing these claimed elements where Brown discloses,

"During the operation of ITV systems, it is desirable to record events reflecting operation of the system. There are several reasons for logging events, including to monitor system operation, detect system errors, and derive statistical data. This latter reasons is particularly beneficial for monitoring usage patterns for resource planning and marketing information." (Brown, col. 1, lines 37-41). This section does not disclose or suggest anything about identifying particular content programming from an authorized content provider, as in claim1. At best, this part of Brown with Wasilweski, presents a system for monitoring how a user operates

a particular set top box, which would be used for an application such as a rating service.

To go one step further, the claim would require that such identified content be from an authorized content provider. There is nothing in the cited references that would disclose or suggest that content is identified based on a particular profile of a user, where the user is provided with an option to view such content. Nor, is the additional step of considering whether or not that content is from an authorized content provider. That is, before the content is delivered, a determination will need be made if identified content is from an authorized content provider. If the identified content is from an authorized content provider, the content will be shown to a user for selection, otherwise, the content will not be "identified" for user selection. This consideration is not disclosed or suggested the cited prior art.

Neither Brown nor Wasilweski, alone or in combination, disclose or suggest the claimed elements of, "identifying particular enhanced content programming based on said user profile, and providing the user with an option to view said identified particular enhanced content programming if said particular enhanced programming is from an authorized content provider".

C. Claim 13, likewise for claim 1, introduces the aspect of, "tailoring at least a portion of the enhanced video based content programming based on said user profile to provide the enhanced content programming from at least one authorized content provider. The cited prior art does not do this in that supplied content programming, is not "tailored" in view a user profile, unlike what is performed in the present invention. Additionally, there is not a determination made whether such "tailored" programming will come from an authorized content provider in the

cited prior art.

D. For claim 4, the cited claim states that, "wherein said extracted transaction information is based on criteria set by the user". At best, the criteria for what is monitoring in the Examiner's combination is determined by the network operator, not the user.

E. For claim 11, a substitution of content is performed, where "particular enhanced video programming" which is determined by a user profile, is "substituted" for "said requested specific enhanced video content programming in response to an instruction by said network operation". The substitution of content by a network operator is not disclosed or suggested in the cited art of record, specifically in the section of Brown (col. 1, lines 20-56) cited by the Examiner with Wasilweski

In view of the arguments presented above, Applicants assert that Claims 1, 13, and 16 are patentable, and the dependent claims which depend on such claims are patentable.

Having fully addressed the Examiner's rejections it is believed that, in view of the preceding amendments and remarks, this application is in condition for allowance. Accordingly, reconsideration and allowance are respectfully solicited. If, however, the Examiner is of the opinion that such action cannot be taken, the Examiner is invited to contact the Applicant's attorney at (609) 734-6809, so that a mutually convenient date and time for a telephonic interview may be scheduled.

Respectfully submitted,

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